



General Assembly

January Session, 2015

Committee Bill No. 650

LCO No. 6064



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Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING TEMPORARY RESTRAINING ORDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 6-32 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2015*):

3 (a) Each state marshal shall receive each process directed to such
4 marshal when tendered, execute it promptly and make true return
5 thereof; and shall, without any fee, give receipts when demanded for
6 all civil process delivered to such marshal to be served, specifying the
7 names of the parties, the date of the writ, the time of delivery and the
8 sum or thing in demand. If any state marshal does not duly and
9 promptly execute and return any such process or makes a false or
10 illegal return thereof, such marshal shall be liable to pay double the
11 amount of all damages to the party aggrieved.

12 (b) When serving a restraining order issued pursuant to section 46b-
13 15, as amended by this act, or a civil protection order issued pursuant
14 to section 46b-16a, a state marshal shall indicate whether the service
15 was successful or unsuccessful and if successful the date, time and
16 place of service and whether such service was in hand or abode

17 service.

18 (c) A state marshal (1) may access the Judicial Branch's Internet-
19 based service tracking system, and (2) shall, as soon as possible, but
20 not later than two hours after the time that service is effectuated for a
21 restraining order issued pursuant to section 46b-15, as amended by
22 this act, or a civil protection order issued pursuant to section 46b-16a,
23 input into the service tracking system the date, time and method of
24 service. If prior to the date of the scheduled hearing concerning the
25 restraining order or civil protection order, service has not been
26 effectuated, a state marshal shall input into the service tracking system
27 that service was unsuccessful.

28 ~~[(b)]~~ (d) A civil ~~[protective]~~ protection order constitutes civil process
29 for purposes of the powers and duties of a state marshal. The cost of
30 serving a civil ~~[protective]~~ protection order shall be paid by the Judicial
31 Branch in the same manner as the cost of serving a restraining order
32 issued pursuant to section 46b-15, as amended by this act, and fees and
33 expenses associated with the serving of a civil ~~[protective]~~ protection
34 order shall be calculated in accordance with subsection (a) of section
35 52-261, as amended by this act.

36 Sec. 2. Subsection (j) of section 6-38b of the general statutes is
37 repealed and the following is substituted in lieu thereof (*Effective*
38 *October 1, 2015*):

39 (j) The commission may adopt such rules as it deems necessary for
40 conduct of its internal affairs. ~~[and]~~ The commission shall adopt
41 regulations in accordance with the provisions of chapter 54 for: ~~[the]~~
42 (1) The application and investigation requirements for filling vacancies
43 in the position of state marshal; (2) the provision of consistent and
44 reliable access to a state marshal for persons applying for a restraining
45 order under section 46b-15, as amended by this act; (3) the provision of
46 services to persons with limited English proficiency; (4) the provision
47 of services to persons who are deaf or hearing impaired; and (5)
48 service of process that is a photographic copy, micrographic copy or

49 other electronic image of an original document that clearly and
50 accurately copies such original document.

51 Sec. 3. Section 46b-15 of the general statutes is repealed and the
52 following is substituted in lieu thereof (*Effective October 1, 2015*):

53 (a) Any family or household member, as defined in section 46b-38a,
54 who has been subjected to a continuous threat of present physical pain
55 or physical injury, stalking or a pattern of threatening, including, but
56 not limited to, a pattern of threatening, as described in section 53a-62,
57 by another family or household member may make an application to
58 the Superior Court for relief under this section.

59 (b) The application form shall allow the applicant, at the applicant's
60 option, to indicate whether the respondent holds a permit to carry a
61 pistol or revolver, an eligibility certificate for a pistol or revolver, a
62 long gun eligibility certificate, an ammunition certificate or possesses
63 one or more firearms or ammunition. The application shall be
64 accompanied by an affidavit made under oath which includes a brief
65 statement of the conditions from which relief is sought. Upon receipt
66 of the application the court shall order that a hearing on the
67 application be held not later than fourteen days from the date of the
68 order. The court, in its discretion, may make such orders as it deems
69 appropriate for the protection of the applicant and such dependent
70 children or other persons as the court sees fit. In making such orders,
71 the court, in its discretion, may consider relevant court records if the
72 records are available to the public from a clerk of the Superior Court or
73 on the Judicial Branch's Internet web site. Such orders may include
74 temporary child custody or visitation rights, and such relief may
75 include, but is not limited to, an order enjoining the respondent from
76 (1) imposing any restraint upon the person or liberty of the applicant;
77 (2) threatening, harassing, assaulting, molesting, sexually assaulting or
78 attacking the applicant; or (3) entering the family dwelling or the
79 dwelling of the applicant. Such order may include provisions
80 necessary to protect any animal owned or kept by the applicant

81 including, but not limited to, an order enjoining the respondent from
82 injuring or threatening to injure such animal. If an applicant alleges an
83 immediate and present physical danger to the applicant, the court may
84 issue an ex parte order granting such relief as it deems appropriate. If a
85 postponement of a hearing on the application is requested by either
86 party and granted, the ex parte order shall not be continued except
87 upon agreement of the parties or by order of the court for good cause
88 shown. If a hearing on the application is scheduled or an ex parte order
89 is granted and the court is closed on the scheduled hearing date, the
90 hearing shall be held on the next day the court is open and any such ex
91 parte order shall remain in effect until the date of such hearing.

92 (c) If the court issues an ex parte order pursuant to subsection (b) of
93 this section, with a hearing date to be held not later than fourteen days
94 from the date of the order, and service has not been made on the
95 respondent in conformance with subsection (h) of this section by the
96 date of the hearing, and the applicant is in attendance at such hearing,
97 the court shall continue the hearing to such date as necessary to
98 achieve service on the respondent and shall extend any ex parte order
99 until such date, but not to exceed fourteen days from the originally
100 scheduled hearing date, unless the applicant requests the court not to
101 continue the ex parte order. The clerk shall prepare a new order of
102 hearing and notice containing the new hearing date, which shall be
103 served upon the respondent in accordance with the provisions of this
104 section, along with all of the documents initially intended for service,
105 not less than three days before the new hearing date. If service has not
106 been made on the respondent by the date of the second hearing on the
107 application, the ex parte order shall not be continued.

108 [(c)] (d) Any ex parte restraining order entered under subsection (b)
109 of this section in which the applicant and respondent are spouses, or
110 persons who have a dependent child or children in common and who
111 live together, may include, if no order exists, and if necessary to
112 maintain the safety and basic needs of the applicant or the dependent
113 child or children in common of the applicant and respondent, in

114 addition to any orders authorized under subsection (b) of this section,
115 any of the following: (1) An order prohibiting the respondent from (A)
116 taking any action that could result in the termination of any necessary
117 utility services or necessary services related to the family dwelling or
118 the dwelling of the applicant, (B) taking any action that could result in
119 the cancellation, change of coverage or change of beneficiary of any
120 health, automobile or homeowners insurance policy to the detriment
121 of the applicant or the dependent child or children in common of the
122 applicant and respondent, or (C) transferring, encumbering, concealing
123 or disposing of specified property owned or leased by the applicant; or
124 (2) an order providing the applicant with temporary possession of an
125 automobile, checkbook, documentation of health, automobile or
126 homeowners insurance, a document needed for purposes of proving
127 identity, a key or other necessary specified personal effects.

128 ~~[(d)]~~ (e) At the hearing on any application under this section, if the
129 court grants relief pursuant to subsection (b) of this section and the
130 applicant and respondent are spouses, or persons who have a
131 dependent child or children in common and who live together, and if
132 necessary to maintain the safety and basic needs of the applicant or the
133 dependent child or children in common of the applicant and
134 respondent, any orders entered by the court may include, in addition
135 to the orders authorized under subsection (b) of this section, any of the
136 following: (1) An order prohibiting the respondent from (A) taking any
137 action that could result in the termination of any necessary utility
138 services or services related to the family dwelling or the dwelling of
139 the applicant, (B) taking any action that could result in the cancellation,
140 change of coverage or change of beneficiary of any health, automobile
141 or homeowners insurance policy to the detriment of the applicant or
142 the dependent child or children in common of the applicant and
143 respondent, or (C) transferring, encumbering, concealing or disposing
144 of specified property owned or leased by the applicant; (2) an order
145 providing the applicant with temporary possession of an automobile,
146 checkbook, documentation of health, automobile or homeowners
147 insurance, a document needed for purposes of proving identity, a key

148 or other necessary specified personal effects; or (3) an order that the
149 respondent: (A) Make rent or mortgage payments on the family
150 dwelling or the dwelling of the applicant and the dependent child or
151 children in common of the applicant and respondent, (B) maintain
152 utility services or other necessary services related to the family
153 dwelling or the dwelling of the applicant and the dependent child or
154 children in common of the applicant and respondent, (C) maintain all
155 existing health, automobile or homeowners insurance coverage
156 without change in coverage or beneficiary designation, or (D) provide
157 financial support for the benefit of any dependent child or children in
158 common of the applicant and the respondent, provided the respondent
159 has a legal duty to support such child or children and the ability to
160 pay. The court shall not enter any order of financial support without
161 sufficient evidence as to the ability to pay, including, but not limited
162 to, financial affidavits. If at the hearing no order is entered under this
163 subsection or subsection [(c)] (d) of this section, no such order may be
164 entered thereafter pursuant to this section. Any order entered pursuant
165 to this subsection shall not be subject to modification and shall expire
166 one hundred twenty days after the date of issuance or upon issuance
167 of a superseding order, whichever occurs first. Any amounts not paid
168 or collected under this subsection or subsection [(c)] (d) of this section
169 may be preserved and collectible in an action for dissolution of
170 marriage, custody, paternity or support.

171 [(e)] (f) Every order of the court made in accordance with this
172 section shall contain the following language: (1) "This order may be
173 extended by the court beyond one year. In accordance with section
174 53a-107 of the Connecticut general statutes, entering or remaining in a
175 building or any other premises in violation of this order constitutes
176 criminal trespass in the first degree. This is a criminal offense
177 punishable by a term of imprisonment of not more than one year, a
178 fine of not more than two thousand dollars or both."; and (2) "In
179 accordance with section 53a-223b of the Connecticut general statutes,
180 any violation of subparagraph (A) or (B) of subdivision (2) of
181 subsection (a) of section 53a-223b constitutes criminal violation of a

182 restraining order which is punishable by a term of imprisonment of
183 not more than five years, a fine of not more than five thousand dollars,
184 or both. Additionally, any violation of subparagraph (C) or (D) of
185 subdivision (2) of subsection (a) of section 53a-223b constitutes
186 criminal violation of a restraining order which is punishable by a term
187 of imprisonment of not more than ten years, a fine of not more than ten
188 thousand dollars, or both."

189 ~~[(f)]~~ (g) No order of the court shall exceed one year, except that an
190 order may be extended by the court upon motion of the applicant for
191 such additional time as the court deems necessary. If the respondent
192 has not appeared upon the initial application, service of a motion to
193 extend an order may be made by first-class mail directed to the
194 respondent at the respondent's last-known address.

195 ~~[(g) The]~~ (h) (1) Except as provided in subdivision (2) of this
196 subsection, the applicant shall cause notice of the hearing pursuant to
197 subsection (b) of this section and a copy of the application and the
198 applicant's affidavit and of any ex parte order issued pursuant to
199 subsection (b) of this section to be served on the respondent not less
200 than ~~[five]~~ three days before the hearing.

201 (2) When (A) an application indicates that a respondent holds a
202 permit to carry a pistol or revolver, an eligibility certificate for a pistol
203 or revolver, a long gun eligibility certificate, an ammunition certificate
204 or possesses one or more firearms or ammunition, and (B) the court
205 has issued an ex parte order pursuant to subsection (b) of this section,
206 service of process shall be effectuated by a police officer in lieu of
207 service by a proper officer. When service is to be effectuated by a
208 police officer, the clerk of the court shall send, by facsimile or other
209 means, the application, the applicant's affidavit, the ex parte order and
210 the notice of the hearing to the law enforcement agency, for the town
211 in which the respondent resides, not later than two hours after the
212 issuance of such order. The law enforcement agency shall receive all
213 process directed to such agency. A police officer of the law

214 enforcement agency shall promptly execute such service and make
215 true return thereof. Service of process by a police officer on a
216 respondent shall be in hand. At the time a police officer effectuates
217 service, the respondent shall surrender all pistols, revolvers, other
218 firearms and ammunition in the control, ownership or possession of
219 such respondent to the police officer. In the event that pistols,
220 revolvers, other firearms and ammunition cannot be surrendered by
221 the respondent to the police officer at the time service is effectuated
222 because such pistols, revolvers, other firearms and ammunition are at a
223 location other than the location where service is effectuated, the
224 respondent shall, not later than twenty-four hours after the time
225 service is effectuated, transfer, deliver or surrender such pistols,
226 revolvers, other firearms and ammunition in accordance with section
227 29-36k, as amended by this act. When service is effectuated by a police
228 officer, the information contained in the application or applicant's
229 affidavit shall not alone constitute grounds for arrest under subsection
230 (a) of section 46b-38b. A photographic copy, a micrographic copy or
231 other electronic image that clearly and accurately copies the
232 application, the applicant's affidavit, any ex parte order and the notice
233 of hearing shall be permitted when effectuating service under this
234 section.

235 [The cost of such service] (3) All costs incurred in effectuating
236 service of process under this section, except service effectuated by a
237 police officer, shall be paid for by the Judicial Branch. Upon the
238 granting of an ex parte order, the clerk of the court shall provide two
239 copies of the order to the applicant. [Upon the granting of an order
240 after notice and hearing, the clerk of the court shall provide two copies
241 of the order to the applicant and a copy to the respondent. Every order
242 of the court made in accordance with this section after notice and
243 hearing shall be accompanied by a notification that is consistent with
244 the full faith and credit provisions set forth in 18 USC 2265(a), as
245 amended from time to time.] Immediately after making service on the
246 respondent, the proper officer or police officer shall (A) send or cause
247 to be sent, by facsimile or other means, a copy of the application, or the

248 information contained in such application, stating the date and time
249 the respondent was served, to the law enforcement agency or agencies
250 for the town in which the applicant resides, the town in which the
251 applicant is employed and the town in which the respondent resides,
252 and (B) as soon as possible, but not later than two hours after the time
253 that service is effectuated, input into the Judicial Branch's Internet-
254 based service tracking system the date, time and method of service. If,
255 prior to the date of the scheduled hearing, service has not been
256 effectuated, the proper officer or police officer shall input into the
257 service tracking system that service was unsuccessful.

258 (4) Upon the granting of an order after notice and hearing, the clerk
259 of the court shall provide two copies of the order to the applicant and a
260 copy to the respondent. The clerk of the court shall send, by facsimile
261 or other means, a copy of [any ex parte order and of] any order after
262 notice and hearing, or the information contained in any such order, to
263 the law enforcement agency or agencies for the town in which the
264 applicant resides, the town in which the applicant is employed and the
265 town in which the respondent resides, within forty-eight hours of the
266 issuance of such order. If the victim is enrolled in a public or private
267 elementary or secondary school, including a technical high school, or
268 an institution of higher education, as defined in section 10a-55, the
269 clerk of the court shall, upon the request of the victim, send, by
270 facsimile or other means, a copy of such ex parte order or of any order
271 after notice and hearing, or the information contained in any such
272 order, to such school or institution of higher education, the president
273 of any institution of higher education at which the victim is enrolled
274 and the special police force established pursuant to section 10a-156b, if
275 any, at the institution of higher education at which the victim is
276 enrolled. Every order of the court made in accordance with this section
277 after notice and hearing shall be accompanied by a notification that is
278 consistent with the full faith and credit provisions set forth in 18 USC
279 2265(a), as amended from time to time.

280 [(h)] (i) A caretaker who is providing shelter in his or her residence

281 to a person sixty years or older shall not be enjoined from the full use
282 and enjoyment of his or her home and property. The Superior Court
283 may make any other appropriate order under the provisions of this
284 section.

285 [(i)] (j) When a motion for contempt is filed for violation of a
286 restraining order, there shall be an expedited hearing. Such hearing
287 shall be held within five court days of service of the motion on the
288 respondent, provided service on the respondent is made not less than
289 twenty-four hours before the hearing. If the court finds the respondent
290 in contempt for violation of an order, the court may impose such
291 sanctions as the court deems appropriate.

292 [(j)] (k) An action under this section shall not preclude the applicant
293 from seeking any other civil or criminal relief.

294 (l) For purposes of this section "police officer" has the same meaning
295 as provided in section 54-1t, and "law enforcement agency" has the
296 same meaning as provided in section 54-1t.

297 Sec. 4. Section 52-261 of the general statutes is repealed and the
298 following is substituted in lieu thereof (*Effective October 1, 2015*):

299 (a) Except as provided in [subsection (b)] subsections (b) and (c) of
300 this section and section 52-261a, each officer or person, other than a
301 police officer as defined in section 54-1t, who serves process, summons
302 or attachments on behalf of: (1) An official of the state or any of its
303 agencies, boards or commissions, or any municipal official acting in his
304 or her official capacity, shall receive a fee of not more than thirty
305 dollars for each process served and an additional fee of thirty dollars
306 for the second and each subsequent service of such process, except that
307 such officer or person shall receive an additional fee of ten dollars for
308 each subsequent service of such process at the same address or for
309 notification of the office of the Attorney General in dissolution and
310 postjudgment proceedings if a party or child is receiving public
311 assistance; and (2) any person, except a person described in

312 subdivision (1) of this subsection, shall receive a fee of not more than
313 forty dollars for each process served and an additional fee of forty
314 dollars for the second and each subsequent service of such process,
315 except that such officer or person shall receive an additional fee of
316 twenty dollars for each subsequent service of such process at the same
317 address or for notification of the office of the Attorney General in
318 dissolution and postjudgment proceedings if a party or child is
319 receiving public assistance. Each such officer or person shall also
320 receive the fee set by the Department of Administrative Services for
321 state employees for each mile of travel, to be computed from the place
322 where such officer or person received the process to the place of
323 service, and thence in the case of civil process to the place of return. If
324 more than one process is served on one person at one time by any such
325 officer or person, the total cost of travel for the service shall be the
326 same as for the service of one process only. Each officer or person who
327 serves process shall also receive the moneys actually paid for town
328 clerk's fees on the service of process. Any officer or person required to
329 summon jurors by personal service of a warrant to attend court shall
330 receive for the first ten miles of travel while so engaged, such mileage
331 to be computed from the place where such officer or person receives
332 the process to the place of service, twenty-five cents for each mile, and
333 for each additional mile, ten cents. For summoning any juror to attend
334 court otherwise than by personal service of the warrant, such officer or
335 person shall receive only the sum of fifty cents and actual
336 disbursements necessarily expended by such officer or person in
337 making service thereof as directed. Notwithstanding the provisions of
338 this section, for summoning grand jurors, such officer or person shall
339 receive only such officer's or person's actual expenses and such
340 reasonable sum for services as are taxed by the court. The following
341 fees shall be allowed and paid: (A) For taking bail or bail bond, one
342 dollar; (B) for copies of writs and complaints, exclusive of
343 endorsements, one dollar per page, not to exceed a total amount of
344 nine hundred dollars in any particular matter; (C) for endorsements,
345 forty cents per page or fraction thereof; (D) for service of a warrant for

346 the seizure of intoxicating liquors, or for posting and leaving notices
347 after the seizure, or for the destruction or delivery of any such liquors
348 under order of court, twenty dollars; (E) for the removal and custody
349 of such liquors so seized, reasonable expenses, and twenty dollars; (F)
350 for the levy of an execution, when the money is actually collected and
351 paid over, or the debt or a portion of the debt is secured by the officer,
352 fifteen per cent on the amount of the execution, provided the
353 minimum fee for such execution shall be thirty dollars; (G) on the levy
354 of an execution on real property and on application for sale of personal
355 property attached, to each appraiser, for each half day of actual
356 service, reasonable and customary expenses; (H) for causing an
357 execution levied on real property to be recorded, fees for travel, twenty
358 dollars and costs; (I) for services on an application for the sale of
359 personal property attached, or in selling mortgaged property
360 foreclosed under a decree of court, the same fees as for similar services
361 on executions; (J) for committing any person to a community
362 correctional center, in civil actions, twenty-one cents a mile for travel,
363 from the place of the court to the community correctional center, in
364 lieu of all other expenses; and (K) for summoning and attending a jury
365 for reassessing damages or benefits on a highway, three dollars a day.
366 The court shall tax as costs a reasonable amount for the care of
367 property held by any officer under attachment or execution. The
368 officer serving any attachment or execution may claim compensation
369 for time and expenses of any person, in keeping, securing or removing
370 property taken thereon, provided such officer shall make out a bill.
371 The bill shall specify the labor done, and by whom, the time spent, the
372 travel, the money paid, if any, and to whom and for what. The
373 compensation for the services shall be reasonable and customary and
374 the amount of expenses and shall be taxed by the court with the costs.

375 (b) Each officer or person shall receive the following fees: (1) For
376 service of an execution on a summary process judgment, not more
377 than fifty dollars; and (2) for removal under section 47a-42 of a
378 defendant or other occupant bound by a summary process judgment,
379 and the possessions and personal effects of such defendant or other

380 occupant, not more than one hundred dollars per hour.

381 (c) The cost of service of a restraining order, issued pursuant to
382 section 46b-15, as amended by this act, and fees and expenses
383 associated with the service of such restraining order shall be calculated
384 in accordance with subsection (a) of this section, except that round trip
385 mileage for up to two attempts at in-hand service of such restraining
386 order may be calculated if such service is eventually effectuated, with
387 any additional fees authorized only by a court order for good cause
388 shown.

389 Sec. 5. (NEW) (*Effective October 1, 2015*) In each Superior Court
390 where a restraining order issued under section 46b-15 of the general
391 statutes, as amended by this act, may be made returnable, the Chief
392 Court Administrator shall, where feasible, work to allocate space in
393 such court so as to permit a meeting between a person seeking service
394 of the notice of hearing and any order issued under section 46b-15 of
395 the general statutes, as amended by this act, and a state marshal.

396 Sec. 6. (NEW) (*Effective October 1, 2015*) (a) The Chief Court
397 Administrator shall revise and simplify the process for filing an
398 application for relief from abuse under section 46b-15 of the general
399 statutes, as amended by this act. The Chief Court Administrator shall
400 ensure that any person seeking to file an application for relief from
401 abuse is provided with a one-page, plain language explanation on how
402 to apply for relief from abuse under section 46b-15 of the general
403 statutes, as amended by this act.

404 (b) The Chief Court Administrator shall annually collect data on (1)
405 the number of restraining or protective orders issued under section
406 46b-15, as amended by this act, or 46b-16a; (2) the method of service of
407 such orders in cases in which a respondent is successfully served with
408 the order; and (3) the number of such orders issued that subsequently
409 expire or are dismissed because the respondent could not be served
410 with the order.

411 Sec. 7. (*Effective from passage*) The State Marshal Commission shall
412 study its "marshal of the day" practice, which is used for the collection,
413 dissemination and service of restraining and protective orders. Such
414 study shall include, but not be limited to, an examination of the wait
415 times for applicants as a result of such practice and whether such
416 practice promotes efficient and timely service of restraining and
417 protective orders. On or before February 1, 2016, the State Marshal
418 Commission shall report, in accordance with the provisions of section
419 11-4a of the general statutes, on the results of such study to the joint
420 standing committee of the General Assembly having cognizance of
421 matters relating to the judiciary.

422 Sec. 8. Section 29-36k of the general statutes is repealed and the
423 following is substituted in lieu thereof (*Effective October 1, 2015*):

424 (a) [Not later than two business days] Except as provided in
425 subsection (b) of this section, not later than two business days after the
426 occurrence of any event that makes a person ineligible to possess a
427 pistol or revolver or other firearm or ammunition, such person shall (1)
428 transfer in accordance with section 29-33 all pistols and revolvers
429 which such person then possesses to any person eligible to possess a
430 pistol or revolver and transfer in accordance with any applicable state
431 and federal laws all other firearms to any person eligible to possess
432 such other firearms by obtaining an authorization number for the sale
433 or transfer of the firearm from the Commissioner of Emergency
434 Services and Public Protection, and submit a sale or transfer of
435 firearms form to said commissioner within two business days, [except
436 that a person subject to a restraining or protective order or a foreign
437 order of protection may only transfer a pistol, revolver or other firearm
438 or ammunition under this subdivision to a federally licensed firearms
439 dealer pursuant to the sale of the pistol, revolver or other firearm and
440 ammunition to the federally licensed firearms dealer,] or (2) deliver or
441 surrender such pistols and revolvers and other firearms and
442 ammunition to the Commissioner of Emergency Services and Public
443 Protection or a law enforcement agency, or (3) transfer such

444 ammunition to any person eligible to possess such ammunition. The
445 commissioner or a law enforcement agency shall exercise due care in
446 the receipt and holding of such pistols and revolvers and other
447 firearms or ammunition. [For the purposes of this section, a "person
448 subject to a restraining or protective order or a foreign order of
449 protection" means a person who knows that such person is subject to
450 (A) a restraining or protective order of a court of this state that has
451 been issued against such person, after notice and an opportunity to be
452 heard has been provided to such person, in a case involving the use,
453 attempted use or threatened use of physical force against another
454 person, or (B) a foreign order of protection, as defined in section 46b-
455 15a, that has been issued against such person in a case involving the
456 use, attempted use or threatened use of physical force against another
457 person.]

458 (b) Immediately, but in no event more than twenty-four hours after
459 notice has been provided to a person subject to a restraining or
460 protective order or a foreign order of protection, such person shall (1)
461 transfer any pistol, revolver, other firearm or ammunition that such
462 person then possesses to a federally licensed firearms dealer pursuant
463 to the sale of the pistol, revolver, other firearm and ammunition to the
464 federally licensed firearms dealer, or (2) deliver or surrender such
465 pistols, revolvers, other firearms and ammunition to the Commissioner
466 of Emergency Services and Public Protection or a law enforcement
467 agency.

468 [(b)] (c) Such person, or such person's legal representative, may, at
469 any time up to one year after such delivery or surrender to the
470 Commissioner of Emergency Services and Public Protection or a law
471 enforcement agency, transfer such pistols and revolvers in accordance
472 with the provisions of section 29-33 to any person eligible to possess a
473 pistol or revolver and transfer such other firearms and ammunition, in
474 accordance with any applicable state and federal laws, to any person
475 eligible to possess such other firearms and ammunition, provided any
476 person subject to a restraining or protective order or a foreign order of

477 protection, or such person's legal representative, may only transfer
478 such pistol, revolver or other firearm or ammunition to a federally
479 licensed firearms dealer pursuant to the sale of the pistol, revolver or
480 other firearm or ammunition to the federally licensed firearms dealer.
481 Upon notification in writing by the transferee and such person, the
482 Commissioner of Emergency Services and Public Protection or law
483 enforcement agency shall, within ten days, deliver such pistols and
484 revolvers or other firearms or ammunition to the transferee. If, at the
485 end of such year, such pistols and revolvers or other firearms or
486 ammunition have not been so transferred, the commissioner or law
487 enforcement agency shall cause them to be destroyed.

488 [(c)] (d) Any person who fails to transfer, deliver or surrender any
489 such pistols and revolvers and other firearms or ammunition as
490 provided in this section shall be subject to the penalty provided for in
491 section 53a-217, as amended by this act, or 53a-217c, as amended by
492 this act.

493 (e) For the purposes of this section: (1) "Person subject to a
494 restraining or protective order or a foreign order of protection" means
495 a person who knows that such person is subject to (A) a restraining or
496 protective order of a court of this state that has been issued against
497 such person, after notice has been provided to such person, in a case
498 involving the use, attempted use or threatened use of physical force
499 against another person, or (B) a foreign order of protection, as defined
500 in section 46b-15a, that has been issued against such person in a case
501 involving the use, attempted use or threatened use of physical force
502 against another person; and (2) "law enforcement agency" has the same
503 meaning as provided in section 54-1t.

504 Sec. 9. Section 53a-217 of the general statutes is repealed and the
505 following is substituted in lieu thereof (*Effective October 1, 2015*):

506 (a) A person is guilty of criminal possession of a firearm,
507 ammunition or an electronic defense weapon when such person
508 possesses a firearm, ammunition or an electronic defense weapon and

509 (1) has been convicted of a felony committed prior to, on or after
510 October 1, 2013, or of a violation of subsection (c) of section 21a-279 or
511 section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176,
512 53a-178 or 53a-181d committed on or after October 1, 2013, (2) has been
513 convicted as delinquent for the commission of a serious juvenile
514 offense, as defined in section 46b-120, (3) has been discharged from
515 custody within the preceding twenty years after having been found
516 not guilty of a crime by reason of mental disease or defect pursuant to
517 section 53a-13, (4) knows that such person is subject to (A) a
518 restraining or protective order of a court of this state that has been
519 issued against such person, after notice [and an opportunity to be
520 heard] has been provided to such person, in a case involving the use,
521 attempted use or threatened use of physical force against another
522 person and such person has not complied with the provisions of
523 section 29-36k, as amended by this act, or (B) a foreign order of
524 protection, as defined in section 46b-15a, that has been issued against
525 such person in a case involving the use, attempted use or threatened
526 use of physical force against another person and such person has not
527 complied with the provisions of section 29-36k, as amended by this act,
528 (5) (A) has been confined on or after October 1, 2013, in a hospital for
529 persons with psychiatric disabilities, as defined in section 17a-495,
530 within the preceding sixty months by order of a probate court, or with
531 respect to any person who holds a valid permit or certificate that was
532 issued or renewed under the provisions of section 29-28 or 29-36f in
533 effect prior to October 1, 2013, such person has been confined in such
534 hospital within the preceding twelve months, or (B) has been
535 voluntarily admitted on or after October 1, 2013, to a hospital for
536 persons with psychiatric disabilities, as defined in section 17a-495,
537 within the preceding six months for care and treatment of a psychiatric
538 disability and not solely for being an alcohol-dependent person or a
539 drug-dependent person as those terms are defined in section 17a-680,
540 (6) knows that such person is subject to a firearms seizure order issued
541 pursuant to subsection (d) of section 29-38c after notice and an
542 opportunity to be heard has been provided to such person, or (7) is

543 prohibited from shipping, transporting, possessing or receiving a
544 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,
545 "convicted" means having a judgment of conviction entered by a court
546 of competent jurisdiction, "ammunition" means a loaded cartridge,
547 consisting of a primed case, propellant or projectile, designed for use
548 in any firearm, and a motor vehicle violation for which a sentence to a
549 term of imprisonment of more than one year may be imposed shall be
550 deemed an unclassified felony.

551 (b) Criminal possession of a firearm, ammunition or an electronic
552 defense weapon is a class C felony, for which two years of the sentence
553 imposed may not be suspended or reduced by the court, and five
554 thousand dollars of the fine imposed may not be remitted or reduced
555 by the court unless the court states on the record its reasons for
556 remitting or reducing such fine.

557 Sec. 10. Section 53a-217c of the general statutes is repealed and the
558 following is substituted in lieu thereof (*Effective October 1, 2015*):

559 (a) A person is guilty of criminal possession of a pistol or revolver
560 when such person possesses a pistol or revolver, as defined in section
561 29-27, and (1) has been convicted of a felony committed prior to, on or
562 after October 1, 2013, or of a violation of subsection (c) of section 21a-
563 279 or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175,
564 53a-176, 53a-178 or 53a-181d committed on or after October 1, 1994, (2)
565 has been convicted as delinquent for the commission of a serious
566 juvenile offense, as defined in section 46b-120, (3) has been discharged
567 from custody within the preceding twenty years after having been
568 found not guilty of a crime by reason of mental disease or defect
569 pursuant to section 53a-13, (4) (A) has been confined prior to October
570 1, 2013, in a hospital for persons with psychiatric disabilities, as
571 defined in section 17a-495, within the preceding twelve months by
572 order of a probate court, or has been confined on or after October 1,
573 2013, in a hospital for persons with psychiatric disabilities, as defined
574 in section 17a-495, within the preceding sixty months by order of a

575 probate court, or, with respect to any person who holds a valid permit
576 or certificate that was issued or renewed under the provisions of
577 section 29-28 or 29-36f in effect prior to October 1, 2013, such person
578 has been confined in such hospital within the preceding twelve
579 months, or (B) has been voluntarily admitted on or after October 1,
580 2013, to a hospital for persons with psychiatric disabilities, as defined
581 in section 17a-495, within the preceding six months for care and
582 treatment of a psychiatric disability and not solely for being an alcohol-
583 dependent person or a drug-dependent person as those terms are
584 defined in section 17a-680, (5) knows that such person is subject to (A)
585 a restraining or protective order of a court of this state that has been
586 issued against such person, after notice [and an opportunity to be
587 heard] has been provided to such person, in a case involving the use,
588 attempted use or threatened use of physical force against another
589 person and such person has not complied with the provisions of
590 section 29-36k, as amended by this act, or (B) a foreign order of
591 protection, as defined in section 46b-15a, that has been issued against
592 such person in a case involving the use, attempted use or threatened
593 use of physical force against another person and such person has not
594 complied with the provisions of section 29-36k, as amended by this act,
595 (6) knows that such person is subject to a firearms seizure order issued
596 pursuant to subsection (d) of section 29-38c after notice and an
597 opportunity to be heard has been provided to such person, (7) is
598 prohibited from shipping, transporting, possessing or receiving a
599 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or
600 unlawfully in the United States. For the purposes of this section,
601 "convicted" means having a judgment of conviction entered by a court
602 of competent jurisdiction.

603 (b) Criminal possession of a pistol or revolver is a class C felony, for
604 which two years of the sentence imposed may not be suspended or
605 reduced by the court, and five thousand dollars of the fine imposed
606 may not be remitted or reduced by the court unless the court states on
607 the record its reasons for remitting or reducing such fine.

608 Sec. 11. Subsection (b) of section 29-36n of the general statutes is
 609 repealed and the following is substituted in lieu thereof (*Effective*
 610 *October 1, 2015*):

611 (b) The Commissioner of Emergency Services and Public Protection,
 612 in conjunction with the Chief State's Attorney and the Connecticut
 613 Police Chiefs Association, shall update the protocol developed
 614 pursuant to subsection (a) of this section to reflect the provisions of
 615 sections 29-7h, 29-28, 29-28a, 29-29, 29-30, 29-32 and 29-35, subsections
 616 (b) and [(g)] (h) of section 46b-15, as amended by this act, subsections
 617 (c) and (d) of section 46b-38c and sections 53-202a, 53-202l, 53-202m
 618 and 53a-217, as amended by this act, and shall include in such protocol
 619 specific instructions for the transfer, delivery or surrender of pistols
 620 and revolvers and other firearms and ammunition when the assistance
 621 of more than one law enforcement agency is necessary to effect the
 622 requirements of section 29-36k, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	6-32
Sec. 2	<i>October 1, 2015</i>	6-38b(j)
Sec. 3	<i>October 1, 2015</i>	46b-15
Sec. 4	<i>October 1, 2015</i>	52-261
Sec. 5	<i>October 1, 2015</i>	New section
Sec. 6	<i>October 1, 2015</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>October 1, 2015</i>	29-36k
Sec. 9	<i>October 1, 2015</i>	53a-217
Sec. 10	<i>October 1, 2015</i>	53a-217c
Sec. 11	<i>October 1, 2015</i>	29-36n(b)

Statement of Purpose:

To enhance protections for restraining order applicants.

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. DUFF, 25th Dist.
 SEN. BYE, 5th Dist.; SEN. BARTOLOMEO, 13th Dist.
 SEN. CASSANO, 4th Dist.; SEN. COLEMAN, 2nd Dist.

SEN. CRISCO, 17th Dist.; SEN. KENNEDY, 12th Dist.
SEN. FLEXER, 29th Dist.; SEN. LARSON, 3rd Dist.
SEN. WINFIELD, 10th Dist.; REP. WILLIS, 64th Dist.
REP. FRITZ, 90th Dist.

S.B. 650